

Board of Adjustment
PO Box 120
Town of Fremont, New Hampshire 03044

Minutes of April 11, 2006
Approved April 25, 2006

Members present: Co-chairman Jack Baker, Members Brett Hunter, Doug Andrew and recording Secretary Meredith Bolduc. Member Scott Boisvert joined the meeting at 7:30 pm.

Mr. Baker called the meeting to order at 7:00 p.m. then called the roll.

Case # 05-011
Edward Gibbs
MAP 3 LOT 117

Present: Owner Ed Gibbs and representing Surveyor Tim Lavelle

Mr. Baker opened this Public Hearing at 7:00 p.m. and stated that this is a continuation of the February 28, 2006 portion of this Public Hearing which was continued to March 28, 2006 to allow additional time for the applicant to have a hydrological study done and a report relative to that study issued to the Board. The Hearing was subsequently continued to April 11, 2006 due to a lack of a ZBA Member quorum on March 28, 2006.

Mr. Baker stated that on April 3, 2006 Edward Gibbs contacted Mrs. Bolduc at the Land Use Office via phone and stated that he is no longer wishes to move forward with his request for an automotive restoration business at his property at 453 Main Street, Map 3 Lot 177. He instructed her not to move forward with having a Town appointed Hydro Geologist review the March 28, 2006 correspondence from Steve Shope, PG of Exeter Environmental Associates, suggesting groundwater monitoring wells and Groundwater Flow Study.

Mr. Baker stated that there is not a full 5 member Board present tonight, which the applicant is entitled to for a final decision. Mr. Lavelle stated that they wish to move forward with the 3 members present.

Mr. Lavelle stated that they did not have the hydro geological study done, as requested by the Board. He reminded the Board that on March 28, 2006 he submit the letter from Hydro Geologist with Exeter Environmental Steve Shope to the Board, also dated March 28, 2006. Mr. Shope stated that he has researched the USGS aquifer map of the area and that the aquifer has a water-saturated thickness of less than 20', which is not sufficient to support a municipal supply well in the gravel deposit itself. Mr. Shope agreed that a Groundwater Flow Study would be a good idea, but disagreed with Hydro Geologist Chuck Myette's suggestion that a Chemical Fate and Transport Study should be done . He suggested installing 4 or 5 groundwater wells on the property and monitoring them

rather than doing a chemical fate study. This would be a tool to keep track of any groundwater flow direction and evaluation of baseline groundwater quality. Mr. Shope also recommended that these wells be sampled for volatile organic compounds on a periodic basis as an early detection system for any problems. Mr. Shope also stated in the correspondence that it is his hope that his letter be shared with a hydro geologic consultant representing the Town so that a proper work scope agreement can be reached. Mrs. Bolduc reported that, at the request of the applicant, this was not done.

Mr. Lavelle stated that Mr. Gibbs is frustrated with the hydro geologist's difference of opinions relative to what studies should be done. Mr. Lavelle offered that requiring monitoring wells could be a condition of approval and he added that drainage studies would be forthcoming at the Planning Board level during Site Plan Review. Mr. Lavelle explained that the general area of Gibbs house there is a 20' level which is less of a recharge that if it were deeper and stated that he feels time would be better spent to make sure that a spill did not happen instead of what to do if it did happen.

Mr. Gibbs asked if anyone who is seeking a special exception would need to do the hydro geological studies. He cited the Fremont Motor Sports recent expansion approval. Mr. Baker answered that it would depend on the proposed business and whether it was located in the Aquifer Protection District.

Mr. Baker voiced concern about the vehicle storage pads on the outside of the building that are built up to hold in the oil leakage. Mr. Lavelle stated that the pads were used to keep leakage from going into the ground.

Mr. Gibbs addressed the five conditions of a Variance as submitted with his application (in italics) and the Board voted on them as follows.

1. The Proposed use would not diminish surrounding property values because: *The proposed use of the building would be similar to existing uses in the general area "commercial ventures"*.
Board vote:
Mr. Hunter Yes
Mr. Baker Yes
Mr. Andrew Yes
Mr. Boisvert Yes
2. Granting the Variance would be of benefit to the public interest because: *It would allow for the productive use of the property without putting additional draw on the town services ie; schools.*
Board vote:
Mr. Hunter Yes
Mr. Baker Yes
Mr. Andrew Yes
Mr. Boisvert Yes
3. Denial of the Variance would result in unnecessary hardship to the owner because of the following special circumstances of the property that distinguish it from to other properties similarly zoned because:

Use Variance:

- a. Interferes with the applicant's reasonable use of the property considering its unique setting because; *The property is newly mapped as being in the aquifer and lies within an area of properties being used commercially.*

Board vote:

Mr. Hunter No
Mr. Baker Yes
Mr. Andrew Yes
Mr. Boisvert No

- b. No fair and substantial relationship exists between the general purposes of the Zoning Ordinance and the specific restrictions of the property because: *Changing the allowed activity to a commercial activity has no impact on the Aquifer. As a homeowner, Mr. Gibbs could work on his cars on the property. Changing it to a commercial activity would be more closely monitored by the EPA.*

Board vote:

Mr. Hunter Yes
Mr. Baker Yes
Mr. Andrew Yes
Mr. Boisvert Yes

- c. The Variance would not injure the public or private rights of others because: *The proposed use would not create more than allowed impervious surfaces and with modern automotive service technologies the likelihood of spilled oils and solvents is slim to none & regulated quite strictly by the EPA. We are not proposing to pave and will leave the gravel so the groundwater would not be kept from recharging.*

Board vote:

Mr. Hunter Yes
Mr. Baker Yes
Mr. Andrew Yes
Mr. Boisvert Yes

4. Granting the Variance would do substantial justice because: *To utilize the existing building for its intended use, prior to the re mapping of the Aquifer limits.*

Board vote:

Mr. Hunter Yes
Mr. Baker Yes
Mr. Andrew Yes
Mr. Boisvert Yes

5. The use is not contrary to the spirit of the ordinance because: *The ordinance is intended to protect groundwater resource and this proposal would do nothing to contaminate this resource. We are not paving impervious surfaces and are containing spills.*

Board vote:

Mr. Hunter	Yes
Mr. Baker	Yes
Mr. Andrew	Yes
Mr. Boisvert	Yes

Note: Mr. Boisvert joined the meeting after the Board had voted, but before a motion was made. Mr. Lavelle asked if Mr. Boisvert could be allowed to vote on the 5 conditions. It was agreed that, since Mr. Boisvert has been in attendance for this entire case except for the first portion of tonight's Public Hearing, and a motion had not yet been made, Mr. Boisvert would be allowed to vote. Mr. Baker reiterated the applicant's responses to the five conditions for Mr. Boisvert and his vote is recorded with the rest of the Board's votes above. Prior to voting, Mr. Boisvert asked if the applicant had submitted the requested Hydrological Study and a report relative to that study and Mr. Baker answered that he had not.

Mr. Baker stated that, by the Board Members two to two vote on Use Variance condition #3a, the applicant did not prove that his intended use interferes with the reasonable use of the property considering its unique setting.

After careful consideration by the Board, Mr. Baker made the motion that, based on the information and plan presented and as the result of the Boards vote on the five conditions of a Variance, the Fremont Zoning Board of Adjustment deny the Variance to the terms of Zoning Article XI Section E-4-i, as set forth in the Town of Fremont Zoning Ordinances, as requested by Edward Gibbs, to allow the operation of an automotive restoration facility within the Aquifer Protection District at his residence at 453 Main Street, Map 3 Lot 117. Motion seconded by Mr. Hunter with unanimous favorable vote.

Mr. Lavelle asked if could they, at this point, request a full Board to be present for a vote. It was noted by the minutes and Mr. Baker that Mr. Lavelle had agreed to move forward with the decision of the Board Members present. Mr. Lavelle accepted that.

Mr. Hunter made the motion to close this Public Hearing at 7:45 p.m. Motion seconded by Mr. Boisvert with unanimous favorable vote.

WORK SESSION AND PROCEDURES

There was a general conversation relative to the possible scheduling of ZBA work sessions for the purpose of discussing procedures and regulations. Potential regular work sessions will be discussed at the next meeting opportunity.

Case # 06-002
IRON WHEEL
MAP 7 LOT 117

Present: Representing Attorney Christopher Boldt, Owner Tom Waters, Jeffrey Philbrick.

Mr. Baker opened this Public Hearing at 7:45 p.m.

Mr. Baker explained that this is a continuation of the February 28, 2006 portion of this Public Hearing, which was continued to March 28, 2006 to allow additional time for the Board to consult with Town Counsel on some procedural issues. The Hearing was subsequently continued to April 11, 2006 due to a lack of a ZBA Member quorum on March 28, 2006.

Mr. Baker stated that there is not a full 5 member Board present tonight, which the applicant is entitled to for a final decision. Attorney Boldt stated that they choose to move forward with the four ZBA Members present.

Mr. Baker noted that, at the February 28, 2006 portion of this Public Hearing, Mr. Butler had read Article XI Section E-1 – Minimum Lot Size;

The minimum lot size with in the Aquifer Protection District for each dwelling unit if a residential use, or each principal building if a non-residential use, shall be three (3) acres, or 130,680 square feet.

Mr. Boldt stated that the minutes of the February 28, 2006 meeting reflect that he said each proposed lot is 1 ½ acre below the zoning requirement and he requested a correction to reflect that his statement was, in fact, each lot was between 1 acre and ½ acre below the zoning requirement. The Board agreed.

Mr. Boisvert made the motion to amend the minutes of February 28, 2006 by replacing “1 ½” with “*between 1 acre and ½ acre*”, page 3, paragraph 5, sentence 3 under Iron Wheel, so the sentence reads in part; “*each proposed lot is between 1 acre and ½ acre below the zoning requirement*”.

Motion seconded by Mr. Andrew with unanimous favorable vote.

The Board reviewed plan # 881 drawn by T.D. Brouillette Land Surveying and dated July 2005 as presented by Mr. Boldt. This plan showed the 2 lot subdivision of the 4.65 acre property leaving 2.53 acres with the original lot 7-117 and creating a new 2.10 acre lot. There would also be a 2,338 sf deeded right-of-way to the Town of Fremont. It was noted that the entire property is in the Aquifer Protection District.

Mr. Baker reiterated the following case points:

1. This is an application for an Area Variance request specific to a 4.65 acre parcel, which has no current restrictions, and whether it can be subdivided into 2 non-conforming lots. It is not about seeking any form of Variance for 2 non-existing, non-conforming lots.
2. The applicant is seeking relief from the three acre lot size limitations of the ordinance.
3. The applicants proposed use of the property is for 1 single family residence for each of the 2 proposed non-conforming lots.

There was a general discussion relative to the above case points as well as the intent of the ordinance to protect and preserve the Aquifer Protection District by causing lot sizes to be increased to 3 acres and the possibility of the purchase of adjacent property to make the lot zoning compliant.

Mr. Boldt cited *Harrington v Town of Warner* = manufactured home and *Vigeant v Hudson* which says that an allowed use in the zone is presumed reasonable.

Mr. Boldt stated that they are seeking an Area Variance and that the benefit sought is to create 2 lots, and that 2 3 acre lots cannot otherwise be created. He added that the first factor of the Area Variance is to insure that the property rights of the applicant are protected while also protecting the ordinance. The second factor is that it is not reasonable to put the applicant through undue financial burden, such as seeking to acquire additional property to add to the lot, to make it zoning compliant.

The five conditions of an Area Variance were addressed (in italics). The Secretary read the answers reiterated from the February 28, 2006 portion of this Public Hearing, with which Mr. Boldt verbally agreed.

1. The Proposed use would not diminish surrounding property values because: *None of the surrounding properties would suffer any diminution in value as a result of granting this variance. Indeed, granting this variance application would help to maintain the character of the area, which consists primarily of single-family dwellings on lots less than one acre. Furthermore, the neighbors who have appeared at prior zoning board meetings have expressed unanimous support for the variance in order to avoid a multi-family housing development in their neighborhood. On the other hand, a multi-unit development will likely decrease the surrounding property values.*

Board vote:

Mr. Hunter	Yes
Mr. Baker	Yes
Mr. Andrew	Yes
Mr. Boisvert	Yes

2. Granting the Variance would be of benefit to the public interest because: *to be contrary to the public interest, the variance must “unduly and in a marked degree” conflict with the ordinance such that it violates the ordinances “basic zoning objectives”. Here, the relevant public interest is set forth in the Town’s zoning ordinance which states that the Ordinance was adopted to “protect, preserve and maintain potential groundwater supplies and related groundwater recharge areas within a known aquifer identified by the Town”. Additional objectives are also contained in that provision of the Ordinance; and the applicant asserts that it complies with such objectives due to the limited nature of the desired development as opposed to the more intensive uses otherwise allowed on the lot in its existing configuration. Specifically, the groundwater supplies can be better protected, preserved and maintained if two, single-family dwellings, rather than a multi-family housing unit, are constructed on the property. Significantly, two single-family dwellings will have less of an environmental impact. Also, the proposed subdivision includes a plan to deed a portion of the property to the town of Fremont along Shady Lane Road which the Road Agent feels will make it a better plowable road in winter.*

Mr. Boldt reiterated much of the submitted written statement.

Board vote:

Mr. Hunter	Yes
Mr. Baker	Yes

Mr. Andrew	Yes
Mr. Boisvert	Yes

- 3 Denial of the variance would result in unnecessary hardship to the owner because:
- a. The following special conditions of the property make an Area Variance necessary in order to allow the development as designed; *Mr. Boldt stated that under the Boccia standards the question is the variance needed to do the proposal. The answer is yes. The property is located in an area zoned for single-family residences. Because a single-family residence is a permitted use, the applicant's proposed property plan is presumptively reasonable. The property cannot be subdivided into two single lots of three acres. The property is relatively large in comparison with other lots in its immediate area and is one of the few in the area that is capable of being subdivided. A variance is needed to accommodate the subdivision plan given the size of the parcel and its location in the Aquifer Protection District. Boldt stated that they are a relatively large lot for the area.*

Mr. Baker stated that the applicant incorrectly makes reference to "zoned for single family". It was previously noted that there is a multi-unit building directly across the street from this property and another one next to that.

Board vote:

Mr. Hunter	Yes
Mr. Baker	Yes
Mr. Andrew	Yes
Mr. Boisvert	Yes

After some clarification of the standard by Mr. Boldt, Mr. Hunter changed his original no vote to yes.

b. The benefit sought cannot be achieved by some other method reasonable feasible to pursue, other than an area variance because; *Interferes with the applicant's reasonable use of the property considering its unique setting because; the desired benefit is the subdivision of the parcel of land into two parcels for construction of a single-family residence on each. There is no other reasonable feasible method to accomplish this desired benefit without a variance due to the total size of the lot and its location in the Aquifer protection District. Mr. Boldt stated that there is nothing, other than obtaining a variance, that can be done with this parcel to gain the subdivision.*

Mr. Boldt explained the standards of the Variance and the economical portion of it.

Board vote:

Mr. Hunter	No – rational; Denial of the Variance would not interfere with the applicants reasonable use
Mr. Baker	No – rational; I feel that the zoning ordinance should be upheld
Mr. Andrew	No – rational; Denying the request would not be denying reasonable use of the property.
Mr. Boisvert	No – rational; The applicant did not prove unnecessary financial hardship

Mr. Boldt stated that it would be acceptable if the Board would like to recess for more advice from Town Council.

4. Granting the Variance would do substantial justice because:

because the variance will allow the applicant to build two single family dwellings rather than a multi-unit condominium or apartment building and the applicant was in the process of having the subdivision plan

prepared at the time of the zoning change to 3 acres. The benefit to the public by granting the Variance is that 2 dwelling units are eliminated.

Mr. Boldt reiterated this and he referred to the case law of *Harrington v Town of Warner*.

Board vote:

Mr. Hunter	No – rational; Justice is better served by keeping with the Ordinance as it is written.
Mr. Baker	Yes
Mr. Andrew	No – rational; I do not believe denying the Variance would be an injustice.
Mr. Boisvert	No – rational; I believe that the Ordinance, as it is written, should be upheld.

Mr. Boldt stated that the test is if there is no substantial benefits to the public then it is an injustice.

5. The use is not contrary to the spirit of the ordinance because: *Two single family residences will better protect, preserve and maintain the Town's groundwater supply than a multi-family unit would. This meets the criteria of Zoning Ordinance XI A.*

Board vote:

Mr. Hunter	Yes
Mr. Baker	Yes
Mr. Andrew	No – rational; The spirit of the ordinance is to increase lot size to protect the Aquifer. It is my opinion that the creation of 2 non-conforming lots would not be in the spirit of the ordinance.
Mr. Boisvert	No – rational; I do not agree that 2 single family dwellings would be better to protect and preserve and maintain the towns groundwater supply compared to a multi-family dwelling. The request is not keeping with the spirit of the ordinance.

Mr. Philbrick asked if he understands that there is no use in having a minimum lot size because the applicant can go to the Zoning Board and be allowed smaller than zoning allows. Mr. Philbrick was advised that the applicant has the right to seek a Variance and Mr. Boldt explained a portion of the criteria.

With no further discussion, Mr. Boisvert made the motion that, based on the information and plan presented and as the result of the Boards vote on the five conditions of an Area Variance, the Fremont Zoning Board of Adjustment deny the Variance to the terms of Zoning Article XI Section E-1, as set forth in the Town of Fremont Zoning Ordinances, as requested by Iron Wheel, Inc. to allow the 4.65 acre parcel located at Map 7 Lot 117, Bean Road & Bruce Avenue, Fremont NH, to be subdivided into two parcels consisting of 2.53 and 2.10 acres, as well as a 2,338 sf deeded right-of-way to the Town of Fremont, within the Aquifer Protection District where three (3) acres per lot is required.

Motion seconded by Mr. Hunter with unanimous favorable vote.

Mr. Baker declared the Variance request denied. By the Members vote, the applicant did not prove that denial of the Variance would interfere with the reasonable use of the property, did not prove that the benefit sought could not be achieved by some method other than an Area Variance, did not prove that granting the Variance would provide that substantial justice would be done, and did not prove that the requested use is not contrary to the spirit of the ordinance.

ZBA 04-11-06

At 9:05 pm Mr. Hunter made the motion to close this Public Hearing.
Motion seconded by Mr. Boisvert with unanimous favorable vote.

MINUTES

Mr. Andrew made the motion to accept the March 14, 2006 meeting minutes as written.
Motion seconded by Mr. Hunter with unanimous favorable vote except.

Reiteration; Mr. Boisvert made the motion to amend the minutes of February 28, 2006 by replacing “1 ½” with “between 1 acre and ½ acre”, page 3, paragraph 5, sentence 3 under Iron Wheel, so the sentence reads in part; “each proposed lot is between 1 acre and ½ acre below the zoning requirement”.
Motion seconded by Mr. Andrew with unanimous favorable vote.

Case # 06-004
COLONIAL POPLIN NURSING FACILITY
POPLIN WAY
Jeffrey and Justin Philbrick
MAP 3 LOT 109-1

EQUITABLE WAIVER OF DIMENSIONAL REQUIREMENTS

Present: Owner Jeffrey Philbrick

Mr. Baker opened this Public Hearing at 9:15 pm and stated that this is a continuation of the March 14, 2006 portion of this Public Hearing. The Hearing was subsequently continued to April 11, 2006 due to a lack of a ZBA Member quorum on March 28, 2006.

Mr. Baker explained the purpose of the Board and read the Public Notice of the Hearing which read as follows:
In accordance with NH RSA 675: 7, you are hereby notified that the Fremont Zoning Board of Adjustment will hold a Public Hearing at 7:45 pm on March 14, 2006 at the Fremont Town Hall, for Poplin Way Assisted Living/ Jeffrey and Justin Philbrick, 442 Main Street, Map 3 Lot 109-1, Fremont NH.

The applicant is seeking an Equitable Waive of Dimensional Requirements from Article IX Sections F-4 and H-2 to allow the continued location of an existing building closer than ninety one (91) feet to a wetland/watershed protection area.

A previous Variance was granted to allow construction closer than one hundred (100') feet, and as close as ninety one (91') feet, to the wetland/watershed protection area. Said building was actually placed eighty nine (89') feet and four (4") inches, thus encroaching closer than allowed by the Variance.

The application package included: 6 copies of the drawn plan, proper check amount and a current list of abutters. The application also included a February 15, 2006 letter from the Building Inspector Thom Roy reflecting that the proposal of the Colonial Poplin Nursing facility to maintain the location of the existing poplin Way building is non

non-compliance with Fremont Zoning Article IX Section F-4 (All dwellings, structures, or parking areas shall have no portion within the Watershed Protection Area and/or no portion closer to Wetlands than those limits defined

under Article IV as setback requirements) and IX H-2 (Dredging, filling, or otherwise altering the surface configuration of the land).

It was noted that this hearing was noticed in the March 3, 2006 edition of the Rockingham News and on February 27, 2006 at the Fremont Post Office and Fremont Town Hall. The applicant and all abutters were notified via certified mail on February 27, 2006 and all returns have been received.

Mr. Baker related that there is not a full Board present and gave Mr. Philbrick the option of waiting for a full Board for a decision. He opted to move forward with the four members present.

Mr. Baker explained the procedure for an Equitable Waiver of Dimensional Requirements and the four points of criteria that must be met for an Equitable Waiver to be approved. He then read Article IX Sections F-4 and H-2 of the Fremont Zoning Ordinance.

Comment sheets were received from the following: (comments in italics)

1. Conservation Commission: *"no comment"*.
2. Code Enforcement Officer: *"no comment"*
3. Health Officer: *"no objections"*
4. Fire Chief: *"If this is not a commercial building I have no comment"*

Mr. Philbrick reiterated his letter of intent that this application is subsequent to an as-built survey of Poplin Way assisted living. Prior to the construction of Poplin Way a Variance was granted for the placement of the building 91' from a wetland area. The as-built survey shows that the building actually encroached to 89'4" of the wetland, violating the terms of the Variance by 1'6". It was an honest mistake and was not picked up on until they recently applied to HUD. He felt that it is possible that the pond high/low comes into play.

Mr. Philbrick addressed the four elements of an Equitable Waiver of Dimensional Requirements (in italics) and the Board voted as follows:

(a) The violation was not noticed or discovered by any owner, former owner, owner's agent or representative, or municipal official, until after a structure in violation had been substantially completed or until after a lot or other division of land in violation had been subdivided by conveyance to a bona fide purchaser for value; *The placement error was not noticed until three years after the completion of the structure during an ALRA/ASCOM survey performed by T.F. Moran, Inc.*

Board's vote:

Mr. Baker	Yes
Mr. Andrew	Yes
Mr. Boisvert	Yes
Mr. Hunter	Yes

(b) That the violation was not an outcome of ignorance of the law or ordinance, failure to inquire, obfuscation, misrepresentation, or bad faith on the part of any owner, owner's agent or representative, but was instead caused by either a good faith error in measurement or calculation made by an owner, owner's agent, or by an error in

ordinance interpretation or applicability made by a municipal official in the process of issuing a permit over which that official had authority; *The violation is of a wetland set back for which the project actually received a waiver. The contractor had a set of compliant site plans and must have made one or more measurement calculation errors.*

Board's vote:

Mr. Baker	Yes
Mr. Andrew	Yes
Mr. Boisvert	Yes
Mr. Hunter	Yes

(c) That the physical or dimensional violation does not constitute a public or private nuisance, nor diminish the value of other property in the area, nor interfere with or adversely affect any present or permissible future uses of any such property; *The nonconformity does not constitute a nuisance nor diminish the value or interfere with future uses of other property in the area.*

Board's vote:

Mr. Baker	Yes
Mr. Andrew	Yes
Mr. Boisvert	Yes
Mr. Hunter	Yes

(d) That due to the degree of past construction or investment made in ignorance of the facts constituting the violation, the cost of correction so far outweighs any public benefit to be gained, that it would be inequitable to require the violation to be corrected. *The correction cost to move the building would far outweigh any public benefit derived by doing so.*

Board's vote:

Mr. Baker	Yes
Mr. Andrew	Yes
Mr. Boisvert	Yes
Mr. Hunter	Yes

Mr. Hunter made the motion, based on the information presented and the results of the Boards vote on the four points of criteria that must be met for approval of an Equitable Waiver, that the Fremont Zoning Board of Adjustment approve the request of Colonial Poplin, Poplin Way, Jeffrey and Justin Philbrick for an Equitable Waiver of Dimensional Requirements from Article IX Sections F-4 and H-2 of the Fremont Zoning Ordinance, for property located at 442 Main Street, Map 3 Lot 109-1, Fremont, New Hampshire allow the continued location of an existing building closer than ninety one (91) feet, but no closer than eighty nine (89') feet and four (4"), to a wetland/watershed protection area.

Motion seconded by Mr. Andrew with unanimous favorable vote.

Mr. Philbrick was reminded that anyone party to the action has 30 days to appeal this decision.

Mr. Hunter made the motion to close this Public Hearing at 9:35 pm.

Motion seconded by Mr. Boisvert with unanimous favorable vote.

Mr. Hunter made the motion to adjourn 9:45 p.m.

Motion seconded by Mr. Boisvert with unanimous favorable vote.

Respectfully submitted,

ZBA 04-11-06

Meredith Bolduc, Clerk